

# Family Forest Fish Passage Program Grantee Responsibilities

20b

APRIL 2004

FOR USE IN EARLY ACTION 2003/04  
GRANT CYCLE ONLY

***The Office's mission is to  
provide quality service to our  
boards and the public while  
providing for recreation  
opportunities and protection of  
fish and wildlife.***

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# **FAMILY FOREST FISH PASSAGE PROGRAM**

## **INTRODUCTION**

The purpose of this manual is to outline the primary responsibilities of the Family Forest Fish Passage Program (FFFPP) grantees and additional information and assistance may be obtained. This manual is to be used in the Early Action 2003/04 Grant Cycle Only.

## **CONTACTING INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION/SALMON RECOVERY FUNDING BOARD STAFF**

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## **CONTACTING WASHINGTON DEPARTMENT OF FISH AND WILDLIFE STAFF**

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Brett DeMond	Demonsbd@dfw.wa.gov	(360) 902-2550
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## PROJECT SPONSOR

The grantee for a project is called the project sponsor, the entity that has the executed FFFPP Project Agreement. The project sponsor for a FFFPP project can be the landowner where the fish passage barrier exists or a third-party organization. If landowners do not have extensive knowledge in implementing fish passage projects, they are strongly encouraged to use a third party organization. The Department of Natural Resources (DNR), Department of Fish and Wildlife (WDFW) and Interagency Committee for Outdoor Recreation and Salmon Recovery Funding Board (IAC/SRFB) staff can help landowners locate a third party organization. Project sponsors for other IAC funded salmon recovery projects are often Regional Fisheries Enhancement Groups, Conservation Districts, local governments, tribes, and other non-profit organizations involved in salmon recovery.

## STATE FISH PASSAGE CRITERIA

Projects must meet state fish passage criteria. The *Design of Road Culverts for Fish Passage 2003* guidelines are available on the WDFW website at: <http://wdfw.wa.gov/hab/engineer/cm/>. WDFW staff are also available to provide design assistance.

The guidelines discuss three options for culvert design if a bridge or abandonment of the crossing has been ruled out. The three design options are:

- No-slope Design Option – results in reasonably sized culverts without requiring much in the way of calculations. Application of the No-Slope Design Option is most effective for relatively short culverts at low gradient sites.
- Hydraulic Design Option – requires hydrologic and open channel calculations, but usually results in smaller culverts being required than the No-Slope Design Option. It is difficult in most situations, if not impossible, to comply with velocity criteria for juvenile fish passage using the Hydraulic Design Option.
- Stream-Simulation Design Option – involves constructing an artificial stream channel inside the culvert, thereby providing passage for any fish migrating through the reach. The No-Slope and Stream-Simulation Design Options are assumed to be satisfactory for adult and juvenile fish passage and tend to be used more frequently at sites where juvenile fish passage is required.

## DESIGN REVIEW

When the project is at 30% design, the cost estimates should be reevaluated. At that point WDFW and IAC/SRFB will review the design as part of the permitting process described below. At minimum, a 30% design should include a sketch or drawings with a plan view, stream cross-section, stream profile, and the Fish-Passage Design Data forms. An example plan design drawing is in Appendix B. The purpose of the Fish-Passage forms is to document the design of the culvert, help permit reviewers and funding entities verify compliance with fish passage criteria and expedite permitting. The Fish-Passage Forms are in Appendix A (Summary Forms for Fish-Passage Design Data). Refer to The *Design of Road Culverts for Fish Passage 2003* guidelines for further “explanation of forms content”, which is also included in the fish passage forms appendix. Design assistance is also available from WDFW staff including the local Area Habitat Biologist (AHB), the local Forest and Fish Biologist, FFFPP staff, and WDFW Technical Applications Program.

## PERMIT REVIEW

To aid permit review of the project, the engineer or designer should complete the Fish Passage Data form (Appendix A) and submit to DNR/WDFW with the design drawing(s) and the Forest Practices Application (FPA). An FPA can be obtained by DNR. The sponsor should indicate on the FPA that the landowner has applied for the FFFPP as well. This will help WDFW staff identify the need for a Hydraulic Project Approval (HPA) permit. The sponsor is strongly encouraged to work with the local WDFW Area Habitat Biologist (AHB) during the early stages of project development since they will be writing the HPA (contact WDFW regional office for appropriate staff in your area).

## PROJECT AGREEMENT

Once funds are awarded, a Project Agreement must be signed between IAC/SRFB and the project sponsor before the project work can commence. A workshop will be held for landowners and project sponsors to explain the Project Agreement, Amendment to the Project Agreement, and reimbursement process. A copy of the Project Agreement can be found in IAC Manual #7 and on the IAC website: [http://www.iac.wa.gov/srfb/grants/fffpp\\_documents.htm](http://www.iac.wa.gov/srfb/grants/fffpp_documents.htm).

## LANDOWNER AGREEMENT

If the project sponsor is a third party organization and not the landowner, a landowner agreement must be signed between the landowner and the sponsor. Items required in the landowner agreement and a sample format can be found on the IAC website: [http://www.iac.wa.gov/srfb/grants/fffpp\\_documents.htm](http://www.iac.wa.gov/srfb/grants/fffpp_documents.htm). Landowner Agreements must be in effect for a minimum of ten (10) years after the completion of the project.

## TIMELINE

Date	Agency	Action
Early April 2004	DNR	Allocate Funding
May 2004	IAC	Hold Workshops and Issue Project Agreements One workshop will be held in western and eastern Washington
April – November 2004	Sponsor	Final Design, Permitting, and Construction Season

Project Agreements will be written for up to two years to complete the project. Extensions beyond two years will require DNR, WDFW and IAC/SRFB approval. Extensions must be requested in writing, with detailed reason for the extension request.

## RESOURCE MATERIALS

There are a number of additional resource materials available to assist a project sponsor in the implementation of a project.

Manual	Agency	Published
FFFPP Program Guidelines	DNR	December 2003

FFFPP Applications and Instruction	IAC/SRFB	December 2003
Manual 7, Funded Projects: Policies and the Project Agreement	IAC/SRFB	March 2004
Manual 4, Development Projects: Policies	IAC/SRFB	March 2002
Manual 8: Reimbursements: IAC Grant Programs	IAC/SRFB	July 2001

Contact the IAC for copies of these manuals or our website:  
[http://www.iac.wa.gov/srfb/grants/fffpp\\_documents.htm](http://www.iac.wa.gov/srfb/grants/fffpp_documents.htm). DNR, WDFW, and IAC staff are available to assist sponsors and landowners throughout the application and implementation process. A map showing IAC/SRFB staff specialist's assignment areas and phone numbers staff can be found on our Website at: <http://www.iac.wa.gov/srfb/grants/contactpm.htm>.

## **REIMBURSEMENT**

The FFFPP is a reimbursement grant program. Project sponsors will have to incur costs up-front and provide expenditure documentation and a brief progress report to IAC for reimbursement. The final billing must be accompanied by a short final report. IAC will reimburse sponsors within 30 days of receipt of a complete and accurate invoice, though most payments are processed within two weeks. The last 10% of project costs may be retained until a final inspection has been completed.

Any significant change orders during the construction of the project must be submitted and approved in advance by IAC/SRFB staff.

In limited situations, advances can be made to third-party sponsors. Landowners are not eligible to receive advances.

## **COST INCREASES**

On occasion, the cost of completing a project exceeds the amount written into the Project Agreement. Such overruns may be responsibility of the project sponsor. If funds are available, however, and on written request, DNR may consider a cost increase.

## **SPONSOR MATCH**

The sponsor may be required to provide a matching share towards the project. The DNR will determine if a project is required to provide a match. The Project Agreement will outline the sponsors match requirement.

Examples of eligible match are listed below:

- Appropriations or cash
- Corrections' Labor
- Donations
  - Equipment
  - Land
  - Labor
  - Materials
- Force Account
  - Equipment
  - Labor
  - Materials
- Grants
  - Local
  - State
  - Federal
  - Private

IAC will only reimburse expenses incurred by the project sponsor. Expenditures by a third party are ineligible. If your match involves contributions by a third party, contact your IAC/SRFB grant manager to make sure the match is eligible.

## **KEY PROJECT AGREEMENT TERMS**

The Project Agreement must be signed by both parties before project implementation and any billing reimbursement. The purpose of this Agreement is to protect the state's investment and outline the responsibilities of the state and the sponsor. The following lists a number of the key sections of the Project Agreement. The complete Project Agreement can be found in Manual 7. This Project Agreement is used in other IAC/SRFB salmon recovery grant programs.

Performance by the Sponsor: The sponsor is undertaking the responsibility of the project and must complete all elements as identified in the application materials.

Assignment: The sponsor may not transfer or assign the contract without prior approval.

Responsibility for Project: The Project remains the sole responsibility of the Sponsor.

Indemnification: The sponsor must indemnify, defend and hold harmless the State and its agencies, officials, agents and employees for this project.

Compliance with Applicable Law: The sponsor will implement the Project Agreement in accordance with applicable federal, state, and local laws and regulations.

Right of Inspection: The sponsor shall provide access to the facilities in accordance with the Project Agreement and/or Landowner Agreement.

## **SITE INSPECTIONS**

**Interim.** This inspection, normally coordinated with the sponsor, is made sometime during project implementation to help resolve any apparent or anticipated problems and to monitor project progress.

**Final.** This site review takes place after the sponsor requests a final payment and/or final inspection. This request must be made only *after* the project is complete, architects and/or engineers have made their inspection, and defects have been corrected. The final inspection is intended to ensure that the project was completed as described in the Project Agreement. On completion of this inspection, the final payment, including retainage, will be made.

## **SITE MAINTENANCE**

The sponsor is required to maintain the culvert or fish passage in perpetuity as specified by RCW 77.55.060. If you have any questions regarding this law contact WDFW.

**RCW 77.55.060 Fishways required in dams, obstructions -- Penalties, remedies for failure.**

- (1) Subject to subsection (3) of this section, a dam or other obstruction across or in a stream shall be provided with a durable and efficient fishway approved by the director. Plans and specifications shall be provided to the department prior to the director's approval. The fishway shall be maintained in an effective condition and continuously supplied with sufficient water to freely pass fish.
- (2) If a person fails to construct and maintain a fishway or to remove the dam or obstruction in a manner satisfactory to the director, then within thirty days after written notice to comply has been served upon the owner, his or her agent, or the person in charge, the director may construct a fishway or remove the dam or obstruction. Expenses incurred by the department constitute the value of a lien upon the dam and upon the personal property of the person owning the dam. Notice of the lien shall be filed and recorded in the office of the county auditor of the county in which the dam or obstruction is situated. The lien may be foreclosed in an action brought in the name of the state.

If, within thirty days after notice to construct a fishway or remove a dam or obstruction, the owner, his or her agent, or the person in charge fails to do so, the dam or obstruction is a public nuisance and the director may take possession of the dam or obstruction and destroy it. No liability shall attach for the destruction.
- (3) For the purposes of this section, "other obstruction" does not include tide gates, flood gates, and associated man-made agricultural drainage facilities that were originally installed as part of an agricultural drainage system on or before May 20, 2003, or the repair, replacement, or improvement of such tide gates or flood gates.

## **REQUIRED MATERIALS**

The Sponsor will be required to provide the following information during the life of the grant:

### During application cycle:

- Application Authorization Form
- Application Forms (see Manual 20a)
- Project Partnership Contribution Form

### Preparing for a Project Agreement:

- Landowner Agreement
- Milestone Dates

### During Active Phase of the Project Agreement

- Billing forms (see Manual 8 for samples)
  - Invoice Voucher (Form A-19)
  - Development/Restoration Checklist (Form IAC 202)
  - Development/Restoration Expenditure Summary (Form IAC 207)
  - Donation Forms, if applicable (Forms IAC 205a, 205b, 205c, 205d)
  - Development/Restoration Final Report (Form IAC 204)

The Project Sponsor will be required to sign a Project Agreement, prior to starting the construction of the project.



## **APPENDIX A**

### **SUMMARY FORMS FOR FISH- PASSAGE DESIGN DATA**

The following forms demonstrate the process of designing fish passage for a specific culvert. The purpose of the forms is to document the final design of a culvert, help permit reviewers and funding entities verify compliance with fish-passage regulations and expedite permitting. Not all section will apply to all culverts; chose the sections relevant to your culvert-design process.

There are two separate forms, one of which deals with culverts designed under the Stream-Simulation and No-Slope Design options. The other form deals exclusively with culverts designed under the Hydraulic Design Option. These forms should be submitted with project plans that show, at a minimum, project layout, channel and culvert profiles, details of unique features, care of water (erosion control, water diversion, etc.), and road-runoff treatment. Additional review information may be needed for specific situations. Data required on these forms are defined in this guideline and must be developed using acceptable methods, such as those described in the guideline. Refer to “Explanation of Forms Content” at the end of these forms for additional information.

Documentation for these forms can be found in WDFW’s “Design of Road Culverts for Fish Passage” manual which can be obtained by calling WDFW or on line at: <http://wdfw.wa.gov/hab/engineer/cm/>.